

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 976

Introduced by Assembly Member Arambula

February 26, 2009

An act to amend ~~Sections 51745 and 52052~~ *Section 51745* of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 976, as amended, Arambula. Public schools: alternative education: accountability.

(1) Existing law authorizes a school district or county office of education to offer independent study to meet the educational needs of certain pupils, including pupils taking part in alternative education programs.

This bill would require a school district, prior to referring a pupil to independent study pursuant to an alternative education program, to provide the pupil and his or her parent or guardian with a listing of all other alternative education options, and to utilize independent study only as a last resort, except as specified. The bill would prohibit a school district or county office of education from offering independent study to a pupil if the school district or county office of education determines that the pupil is performing below state standards, *unless the pupil is employed, is pregnant or parenting, or is obliged to be off campus for his or her physical safety or due to a medical or psychological condition.* The bill would authorize *the State Department of Education to prohibit a school district or county office of education from continuing to enroll a pupil in independent study if the pupil performs below average state standards for his or her grade level and does not make significant*

progress. Because this bill would require school districts and county offices of education to comply with additional requirements before referring a pupil to independent study, the bill would impose a state-mandated local program.

~~(2) Existing law requires the Superintendent of Public Instruction to develop an Academic Performance Index (API) to measure school and pupil performance, and also requires the Superintendent, with the approval of the State Board of Education, to develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools, and alternative schools serving high-risk pupils and opportunity schools. Existing law authorizes schools in the alternative accountability system to receive an API score, but prohibits them from being included in the API rankings. Existing law establishes the Immediate Intervention/Underperforming Schools Program, and requires the Superintendent to invite schools that failed to meet their API growth targets and that have an API score below the 50th percentile in the previous school year, as specified, to participate in the program.~~

~~This bill would include independent study as a school for purposes of the alternative accountability system. The bill would require that schools in the alternative accountability system receive an API score and be included in the API rankings. The bill would require that qualifying schools be eligible for the Immediate Intervention/Underperforming Schools Program. In addition, the bill would require school districts and county offices of education participating in the alternative accountability system to report on specified achievement indicators to the Department of Education. The bill would require the department to create a statewide standard for granting credit to pupils attending alternative education programs.~~

~~(3)~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 51745 of the Education Code is amended
2 to read:

3 51745. (a) Commencing with the 1990–91 school year, the
4 governing board of a school district or a county office of education
5 may offer independent study to meet the educational needs of
6 pupils in accordance with the requirements of this article.
7 Educational opportunities offered through independent study may
8 include, but shall not be limited to, the following:

9 (1) Special assignments extending the content of regular courses
10 of instruction.

11 (2) Individualized study in a particular area of interest or in a
12 subject not currently available in the regular school curriculum.

13 (3) Individualized alternative education designed to teach the
14 knowledge and skills of the core curriculum. Independent study
15 shall not be provided as an alternative curriculum.

16 (4) Continuing and special study during travel.

17 (5) Volunteer community service activities that support and
18 strengthen pupil achievement.

19 (b) Not more than 10 percent of the pupils participating in an
20 opportunity school or program, or a continuation high school,
21 calculated as specified by the department, shall be eligible for
22 apportionment credit for independent study pursuant to this article.
23 A pupil who is pregnant or is a parent who is the primary caregiver
24 for one or more of his or her children shall not be counted within
25 the 10 percent cap.

26 (c) No individual with exceptional needs, as defined in Section
27 56026, may participate in independent study, unless his or her
28 individualized education program developed pursuant to Article
29 3 (commencing with Section 56340) of Chapter 4 of Part 30
30 specifically provides for that participation.

31 (d) No temporarily disabled pupil may receive individual
32 instruction pursuant to Section 48206.3 through independent study.

33 (e) No course included among the courses required for high
34 school graduation under Section 51225.3 shall be offered
35 exclusively through independent study.

36 (f) A school district or county office of education shall not enroll
37 a pupil in independent study if the school district or county office
38 of education determines that the pupil is performing below average

1 state standards. *An exception to the requirements of this subdivision*
2 *may be made for any of the following:*

3 (1) *A pupil who is employed.*

4 (2) *A pupil who is pregnant or is a parent and is caring for a*
5 *child or children.*

6 (3) *A pupil who is obliged to be off campus for his or her*
7 *physical safety.*

8 (4) *A pupil who is obliged to be off campus due to a medical or*
9 *psychological condition.*

10 (g) When a school district refers a pupil to an alternative
11 education program, independent study shall not be the primary
12 referral alternative. The school district shall provide the pupil and
13 his or her parent or guardian with a listing of all alternative
14 education options, as well as a description of the requirements the
15 pupil must fulfill in order to return to his or her school of origin.
16 If the only appropriate alternative for the pupil is independent
17 study, a statement declining all other options shall be signed by
18 the pupil, his or her parent or guardian, and a school official.

19 (h) *The department may prohibit a school district or county*
20 *office of education from continuing to enroll a pupil in independent*
21 *study if the pupil performs below average state standards for his*
22 *or her grade level and does not make significant progress.*

23 ~~SEC. 2. Section 52052 of the Education Code is amended to~~
24 ~~read:~~

25 ~~52052. (a) (1) The Superintendent, with approval of the state~~
26 ~~board, shall develop an Academic Performance Index (API), to~~
27 ~~measure the performance of schools, especially the academic~~
28 ~~performance of pupils.~~

29 ~~(2) A school shall demonstrate comparable improvement in~~
30 ~~academic achievement as measured by the API by all numerically~~
31 ~~significant pupil subgroups at the school, including:~~

32 ~~(A) Ethnic subgroups.~~

33 ~~(B) Socioeconomically disadvantaged pupils.~~

34 ~~(C) English language learners.~~

35 ~~(D) Pupils with disabilities.~~

36 ~~(3) (A) For purposes of this section, a numerically significant~~
37 ~~pupil subgroup is one that meets both of the following criteria:~~

38 ~~(i) The subgroup consists of at least 50 pupils each of whom~~
39 ~~has a valid test score.~~

1 (ii) ~~The subgroup constitutes at least 15 percent of the total~~
2 ~~population of pupils at a school who have valid test scores.~~

3 (B) ~~If a subgroup does not constitute 15 percent of the total~~
4 ~~population of pupils at a school who have valid test scores, the~~
5 ~~subgroup may constitute a numerically significant pupil subgroup~~
6 ~~if it has at least 100 valid test scores.~~

7 (C) ~~For a school with an API score that is based on no fewer~~
8 ~~than 11 and no more than 99 pupils with valid test scores,~~
9 ~~numerically significant subgroups shall be defined by the~~
10 ~~Superintendent, with approval by the state board.~~

11 (4) ~~The API shall consist of a variety of indicators currently~~
12 ~~reported to the department, including, but not limited to, the results~~
13 ~~of the achievement test administered pursuant to Section 60640,~~
14 ~~attendance rates for pupils in elementary schools, middle schools,~~
15 ~~and secondary schools, and the graduation rates for pupils in~~
16 ~~secondary schools.~~

17 (A) ~~Graduation rates for pupils in secondary schools shall be~~
18 ~~calculated for the API as follows:~~

19 (i) ~~The number of pupils who graduated on time for the current~~
20 ~~school year, which is considered to be three school years after the~~
21 ~~pupils entered grade 9 for the first time, divided by the total~~
22 ~~calculated in clause (ii).~~

23 (ii) ~~The number of pupils entering grade 9 for the first time in~~
24 ~~the school year three school years prior to the current school year,~~
25 ~~plus the number of pupils who transferred into the class graduating~~
26 ~~at the end of the current school year between the school year that~~
27 ~~was three school years prior to the current school year and the date~~
28 ~~of graduation, less the number of pupils who transferred out of the~~
29 ~~school between the school year that was three school years prior~~
30 ~~to the current school year and the date of graduation who were~~
31 ~~members of the class that is graduating at the end of the current~~
32 ~~school year.~~

33 (B) ~~The pupil data collected for the API that comes from the~~
34 ~~achievement test administered pursuant to Section 60640 and the~~
35 ~~high school exit examination administered pursuant to Section~~
36 ~~60851, when fully implemented, shall be disaggregated by special~~
37 ~~education status, English language learners, socioeconomic status,~~
38 ~~gender, and ethnic group. Only the test scores of pupils who were~~
39 ~~counted as part of the enrollment in the annual data collection of~~
40 ~~the California Basic Educational Data System for the current fiscal~~

1 year and who were continuously enrolled during that year may be
2 included in the test result reports in the API score of the school.
3 Results of the achievement test and other tests specified in
4 subdivision (b) shall constitute at least 60 percent of the value of
5 the index.

6 (C) Before including high school graduation rates and attendance
7 rates in the API, the Superintendent shall determine the extent to
8 which the data currently are reported to the state and the accuracy
9 of the data. Notwithstanding any other provision of law, graduation
10 rates for pupils in dropout recovery high schools shall not be
11 included in the API. For purposes of this subparagraph, “dropout
12 recovery high school” means a high school in which 50 percent
13 or more of its pupils have been designated as dropouts pursuant
14 to the exit/withdrawal codes developed by the department.

15 (D) The Superintendent shall provide an annual report to the
16 Legislature on the graduation and dropout rates in California and
17 shall make the same report available to the public. The report shall
18 be accompanied by the release of publicly accessible data for each
19 school district and school in a manner that provides for
20 disaggregation based upon socioeconomically disadvantaged pupils
21 and numerically significant subgroups scoring below average on
22 statewide standards-aligned assessments. In addition, the data shall
23 be made available in a manner that provides for comparisons of a
24 minimum of three years of data.

25 (b) Pupil scores from the following tests, when available and
26 when found to be valid and reliable for this purpose, shall be
27 incorporated into the API:

28 (1) The standards-based achievement tests provided for in
29 Section 60642.5.

30 (2) The high school exit examination.

31 (e) Based on the API, the Superintendent shall develop, and the
32 state board shall adopt, expected annual percentage growth targets
33 for all schools based on their API baseline score from the previous
34 year. Schools are expected to meet these growth targets through
35 effective allocation of available resources. For schools below the
36 statewide API performance target adopted by the state board
37 pursuant to subdivision (d), the minimum annual percentage growth
38 target shall be 5 percent of the difference between the actual API
39 score of a school and the statewide API performance target, or one
40 API point, whichever is greater. Schools at or above the statewide

1 ~~API performance target shall have, as their growth target,~~
2 ~~maintenance of their API score above the statewide API~~
3 ~~performance target. However, the state board may set differential~~
4 ~~growth targets based on grade level of instruction and may set~~
5 ~~higher growth targets for the lowest performing schools because~~
6 ~~they have the greatest room for improvement. To meet its growth~~
7 ~~target, a school shall demonstrate that the annual growth in its API~~
8 ~~is equal to or more than its schoolwide annual percentage growth~~
9 ~~target and that all numerically significant pupil subgroups, as~~
10 ~~defined in subdivision (a), are making comparable improvement.~~

11 ~~(d) Upon adoption of state performance standards by the state~~
12 ~~board, the Superintendent shall recommend, and the state board~~
13 ~~shall adopt, a statewide API performance target that includes~~
14 ~~consideration of performance standards and represents the~~
15 ~~proficiency level required to meet the state performance target.~~
16 ~~When the API is fully developed, schools, at a minimum, shall~~
17 ~~meet their annual API growth targets to be eligible for the~~
18 ~~Governor's Performance Award Program as set forth in Section~~
19 ~~52057. The state board may establish additional criteria that schools~~
20 ~~must meet to be eligible for the Governor's Performance Award~~
21 ~~Program.~~

22 ~~(e) The API shall be used for both of the following:~~

23 ~~(1) Measuring the progress of schools selected for participation~~
24 ~~in the Immediate Intervention/Underperforming Schools Program~~
25 ~~pursuant to Section 52053.~~

26 ~~(2) Ranking all public schools in the state for the purpose of the~~
27 ~~High Achieving/Improving Schools Program pursuant to Section~~
28 ~~52056.~~

29 ~~(f) (1) A school with 11 to 99 pupils with valid test scores shall~~
30 ~~receive an API score with an asterisk that indicates less statistical~~
31 ~~certainty than API scores based on 100 or more test scores.~~

32 ~~(2) A school annually shall receive an API score, unless the~~
33 ~~Superintendent determines that an API score would be an invalid~~
34 ~~measure of the performance of the school for one or more of the~~
35 ~~following reasons:~~

36 ~~(A) Irregularities in testing procedures occurred.~~

37 ~~(B) The data used to calculate the API score of the school are~~
38 ~~not representative of the pupil population at the school.~~

39 ~~(C) Significant demographic changes in the pupil population~~
40 ~~render year-to-year comparisons of pupil performance invalid.~~

1 ~~(D) The department discovers or receives information indicating~~
2 ~~that the integrity of the API score has been compromised.~~

3 ~~(E) Insufficient pupil participation in the assessments included~~
4 ~~in the API.~~

5 ~~(3) If a school has fewer than 100 pupils with valid test scores,~~
6 ~~the calculation of the API or adequate yearly progress pursuant to~~
7 ~~the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301~~
8 ~~et seq.) and federal regulations may be calculated over more than~~
9 ~~one annual administration of the tests administered pursuant to~~
10 ~~Section 60640 and the high school exit examination administered~~
11 ~~pursuant to Section 60851, consistent with regulations adopted by~~
12 ~~the state board.~~

13 ~~(g) Only schools with 100 or more test scores contributing to~~
14 ~~the API may be included in the API rankings.~~

15 ~~(h) The Superintendent, with the approval of the state board,~~
16 ~~shall develop an alternative accountability system for schools under~~
17 ~~the jurisdiction of a county board of education or a county~~
18 ~~superintendent of schools, community day schools, nonpublic,~~
19 ~~nonsectarian schools pursuant to Section 56366, and alternative~~
20 ~~schools serving high-risk pupils, including continuation high~~
21 ~~schools and opportunity schools. Independent study shall be~~
22 ~~considered a school for purposes of the accountability system.~~
23 ~~Schools in the alternative accountability system shall receive an~~
24 ~~API score, and shall be included in the API rankings.~~
25 ~~Notwithstanding any other law, schools in the alternative~~
26 ~~accountability system that qualify for the Immediate~~
27 ~~Intervention/Underperforming Schools Program as set forth in~~
28 ~~Article 3 (commencing with Section 52053) of this chapter are~~
29 ~~eligible for the program.~~

30 ~~(1) To ensure that pupil outcomes are comparable statewide,~~
31 ~~school districts and county offices of education shall report the~~
32 ~~following indicators to the department:~~

33 ~~(A) Writing achievement.~~

34 ~~(B) Reading achievement.~~

35 ~~(C) Mathematics achievement.~~

36 ~~(D) High school graduation or general education development~~
37 ~~completion.~~

38 ~~(E) Three additional performance indicators chosen by the~~
39 ~~school district or county office of education from a list approved~~
40 ~~by the Superintendent.~~

1 ~~(2) The department shall create a statewide standard for granting~~
2 ~~credit to pupils attending alternative education programs. A school~~
3 ~~district or county office of education shall not develop or impose~~
4 ~~its own standard.~~

5 ~~SEC. 3.~~

6 *SEC. 2.* If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.